IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPEAL NO.533 OF 1990

The State of Maharashtra] .. Appellant.

versus

1. Bhagwan Jagannath Markad]
   age 36 years.]
2. Janardhan Rambhau Tate]
   age 43 years.]
3. Dada Sayyadnoor Mulani]
   age 27 years.]
4. Sayyed Sayyadnoor Mulani]
   age 30 years.]
5. Sandipan Sakharam Koyale]
   age 41 years.]
6. Nivrutti Sakharam Koyale]
   age 51 years.]
7. Krishna Sakharam Koyale]
   age 47 years.]
8. Shailendra Sandipan Koyale]
   age 20 years.]
9. Chandrakant Shankar Markad]
   age 20 years.]

10. Babu Rama Berad, age 30 years]
11. Balu Namdeo Berad age 23 years.]
12. Manik Rama Berad age 36 years.]
13. Pandurang Babu Arade age 26 years.]
14. Sadashiv Shahu Arade age 26 years.]
15. Kisan Rama Berad age 30 years.]
16. Appa Shahu Arade. age 28 years.] Respondents
] (Original
All resident of Shidshinge,] Accused)
Taluka Madha, District Solapur]

Mr.P.S.Hingorani, APP, for the State.
Mr.S.R.Singh for Respondent Nos.1 to 16.

CORAM : D.G.DESHPANDE
S.R.SATHE, JJ.
DATED : 20th April 2007.

OPERATIVE ORDER

. For the reasons separately recorded, the following order is passed :-

:ORDER:

Appeal is partly allowed.

Acquittal of accused Nos. 8, 9, 12, 13, 14, 15 and 16 on all counts is upheld. They are on bail. Their bail bonds stand cancelled.

Acquittal of Accused Nos.1 to 7, 10 and 11 of the offences punishable under Section 436 r/w Sections 149 and 34 of the Indian Penal Code is upheld.

Accused Nos.1 to 7, 10 and 11 are held guilty under Sections 147, 149,302 r/w 149, 324 and 326 r/w 149 of the Indian

Penal Code.

Accused Nos.1 to 7, 10 and 11 are sentenced to suffer R.I. for two years under Section 147 of the Indian Penal Code.

Accused Nos.1 to 7, 10 and 11 are sentenced to suffer imprisonment for life under section 302 r/w 149 of the Indian Penal Code and to a pay fine of Rs.5000/- each in default they have to further suffer R.I. for one year.

Accused Nos.1 to 7, 10 and 11 are sentenced to suffer R.I. for three years under Sections 324 r/w 149 of the Indian Penal Code.

Accused Nos.1 to 7, 10 and 11 are sentenced to suffer R.I. for five years under Sections 326 r/w 149 of the Indian Penal Code and to pay fine of Rs.5000/- each in default they have to further

suffer R.I. for one year.

All the substantive sentences to run concurrently.

Accused Nos.1 to 7, 10 and 11 are on bail. Their bail bonds stand cancelled. They have to surrender before the trial Court within eight weeks from today for undergoing sentence. If they fail to surrender themselves, the trial Court shall take action under Criminal Procedure Code and send them to jail for undergoing sentence.

Appeal is disposed of accordingly.

[S.R.SATHE, J] **[D.G.DESHPANDE,J]**